

BOBBY LEE MONTGOMERY

Name

640 McKnight St. B-105

2012 JUL 15 2:13 PM

LAS VEGAS NV. 89101

#2624152

Prison Number

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BOBBY LEE MONTGOMERY

Plaintiff,

vs.

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, ET AL.
CITY COUNCIL OF CLARK
COUNTY NEVADA

OSCAR B. GOODMAN MAYOR
CITY OF LAS VEGAS NEVADA
SHERIFF OF CLARK COUNTY
DOUGLAS C. GILLESPIE

GUY LOUIS TURNER #13518
LVMPD

Defendant(s).

2:12-cv-00817-MMD -RJJ

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Bobby L. Montgomery
(Print Plaintiff's name)

who presently resides at 640 McKnight St. B105 Las Vegas, were

violated by the actions of the below named individuals which were directed against

Plaintiff at 128 Edelweiss St. Las Vegas NV. on the following dates
(institution/city where violation occurred)

May 17, 2010, June 29, 2010, and August 4, 2010
(Count I) (Count II) (Count III)

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant E ROBINSON#3889 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Fail to intervene to stop or deny the malicious
process.to review documents for proper investigation.

3) Defendant Lt.Ron Fox#3313 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Approve the fabricated documents for the malici-
ous proceeding ,failure to intervene conduct proper investigation.

4) Defendant V.E.Swartwood#4825 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Failure to intervene denied grievance to Internal
Affairs.denied a proper investigation in malicious prosecution

5) Defendant Guy L.Turner#13518 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Falsely and maliciously to procure another to be
arrested or proceeded against for a crime

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

- 2) Defendant BRYAN ROCHA#13510 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Falsely and maliciously to procure another to be
arrested or proceeded against for a crime.

- 3) Defendant NATHAN HERLEAN#14085 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Falsely and maliciously to procure another to be arrested to proceeded against for a crime

- 4) Defendant ERIC FENRICH#13145 resides at CLARK COUNTY LAS VEGAS NV
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Falsely and maliciously to procure another to be arrested or proceeded against for a crime.

- 5) Defendant TRAVIS CHAPMAN#14079 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Failure to intervene, falsely and maliciously to procure another to be arrested or proceeded against for a crime.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant VINCENT D'ANGELO#5787 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Failure to intervene, falsely and maliciously to
procure another to be arrested or proceeded against for a crime.

3) Defendant CORY DRAEGER#13329 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Failure to intervene, falsely and maliciously to
procure another to be arrested or proceeded against for a crime.

4) Defendant JOSUE ESPARZA#9373 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Failure to intervene, falsely and maliciously to
procure another to be arrested or proceeded against for a crime.

5) Defendant TRAVIS SWARTZ#13142 resides at CLARK COUNTY LAS VEGAS NV,
(full name of first defendant) (address if first defendant)
and is employed as Las Vegas Metro Police. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Failure to intervene, falsely and maliciously to
procure another to be arrested or proceeded against for a crime.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

- 2) Defendant DAVID ROGER#002781 resides at 200 Lewis Ave. Las Vegas NV,
(full name of first defendant) (address if first defendant)
and is employed as Clark County District Att.. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Authorized the initial criminal complaint to be
filed to proceed in the malicious prosecution process to pro-
secute. Oppression under color of Office.

- 3) Defendant SHAWN MORGAN#0010935 resides at 200 Lewis Ave. Las Vegas NV
(full name of first defendant) (address if first defendant)
and is employed as Deputy District Attorney. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Engage in the proceeding of the malicious prose-
cution process to prosecute, Oppression under color of Office.

- 4) Defendant J. VILLANI DA resides at 200 Lewia Ave. Las Vegas NV
(full name of first defendant) (address if first defendant)
and is employed as Duty District Attorney. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Engage in the proceeding of the malicious prose-
cution process to prosecute, Oppression under color of Office.

- 5) Defendant A. STEGE DA resides at 200 Lewis Ave. Las Vegas NV
(full name of first defendant) (address if first defendant)
and is employed as Duty District Attorney. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Engage in the proceeding of the malicious prose-
cution process to prosecute, Oppression under color of Office.

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

2) Defendant B. TURNER DA resides at 200 Lewis Ave. Las Vegas NV,
(full name of first defendant) (address if first defendant)
and is employed as Duty District Attorney. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Engage in the proceeding of the malicious prosecution process to prosecute, Oppression under color of Office

3) Defendant S. CLOWERS DA resides at 200 Lewis Ave. Las Vegas NV,
(full name of first defendant) (address if first defendant)
and is employed as Duty District Attorney. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: Engage in the proceeding of the malicious prosecution process to prosecute, Oppression under color of Office

4) Defendant SHANON CLOWERS DA resides at 200 Lewis Ave. Las Vegas NV,
(full name of first defendant) (address if first defendant)
and is employed as Duty District Attorney. This defendant is sued in his/her
(defendant's position and title, if any)
X individual X official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

5) Defendant _____ resides at _____,
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
____ individual ____ official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: _____

6) Defendant J. Miranda #8351 resides at CLARK COUNTY LAS VEGAS NV,
 (full name of first defendant) (address if first defendant)
 and is employed as Internal Affairs LVMPD. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was
 acting

under color of law: Failure to intervene, denied proper investigation

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Arrested May 17, 2010 at 128 Edelweiss St Las Vegas NV 89110. At
gun point by LVMPD officers Guy Louis Turner #13518, Bryan Rocha #
13510, Nathan Herlean #14085, Eric Fenrich #13145. Charges being
Battery/Domestic Violence Strangulation, other officers present
Travis, Chapman #14079, Vincent D'Angelo #5787, Cory Draeger #13329
Josue, Esparza #9373, Travis Swartz #13142. Case No 10F09483X dismiss
count 1 April 7, 2011, Case No 10C265141 dismiss count 2 June 9
2011. On June 23, 2010 pled not guilty invoked the 60 day Speedy
Trial, on August 16 2010, denied a Speedy Trial. On June 29, 2010
Revocation of Probation on fabrication Battery/Domestic Violence
Strangulation chargers falsely to institute or maintain
any action or proceeding against Bobby Lee Montgomery

C. CAUSE OF ACTION

3
 SEE EXHIBIT A, LVMP TEMPORARY CUSTODY RECORD.
 SEE EXHIBIT B. CASE SUMMARY CASE NO 10C265141
 SEE EXHIBIT C. APPEARANCES - HEARING CASE NO 10F09483X

COUNT I

The following civil rights has been violated: 4th Amendment free from unreasonable seizure, false arrest. 14th Amendment free from malicious prosecution, Right to Libery.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

May 17, 2010 LVMPD officers enter the front open door at 128 Edelweiss St. Las Vegas NV 89110, without given a notice of their present or getting consent to enter from the occupants of the house at gun point. LVMP officers were Guy Louis Turner#13518, Bryan Rocha#13510, Nathan Herlean#14085, Eric Fenrich#13145. Gun point being the show of authority under the colors of law the force used in the seizure, arrest, and detention. While allege victim Henson stood in hallway entrance of the back bedroom doorway argueing with Bobby L. Montgomery while I laid across the bed in the bedroom. Officers order Henson to exit down the hallway path, then order myself to exit bedroom confronted with officers pointing and aiming their guns at me thought I was shot had vision of the gun blast, the imminent fear of being shot place myself in the zone of danger of the sudden impact of being shot or killed by LVMPD officers. Seizured, arrested handcuff in hallway of the house order to place hands on top of head, turn around get down on my knees cross my legs. Arrested on two non corroborating statements of allege victim and eyewitness without any physcial marks as evident to support the charge. LVMP G. Turner improperly bolstered his police report assert facts not supported by statements. Approved by LVMP, Lt. Ron Fox#3313, LVMP, E. Robinson#3889. Grievance file 6/12/10-7/4/10 to Internal Affairs LVMP, J. Miranda

SEE EXHIBIT D DOMESTIC BATTERY⁴ REPORT
SEE EXHIBIT E INCIDENT REPORT

COUNT II

The following civil rights has been violated: 14th Amendment free from malicious prosecution, Right to Libery, 8th Amendment free from false imprisonment, Right to move freely, free from cruel and unusual punishment.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

On June 29, 2010 Revocation of Probation Case #08C250236 new charge 10F09483X count 1 dismiss April 7, 2011, Case 10C265141 count 2 dismiss June 9 2011. Shawn A Morgan DA, maliciously procure the probation revoke, invoking the institution of Bobby L. Montgomery without substantial evidents to support Battery Domestic Violence Strangulation charges. Knowingly intentionally used scant evidence non corroborate fabricated witness statements which dimetrically opposed one another that or logically incompatible. Absent any phyiscal marking to support Strangulation chargers. Using G. Turner LVMPD#13518 bolstered police report, this action lack pivotal grounds an should be deem as an act of complicity on the part of LVMPD officers, Shawn A Morgan, Court and all others involved in this matter. Which bring about a Constitutional violation of the fourth, fifth, eighth and fourteenth amendment through the Due Process Clause. Absent legal authority or justification this act was obviously inflicted in wholly arbitrary fashion. Which cause deprivation of Liberty which constitute cruel and unusual punishment false arrest, false imprisonment. State of Nevada denied Bobby L. Montgomery with in its jurisdiction the equal protection of the laws in the falsely and maliciously to institute or maintain any proceeding to procure another to be arrested or proceeded against for a crime.

outline).

- a) Defendants: LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET,AL
- b) Name of court and docket number: U.S.DISTRICT COURT NV.2:11-cv--02079
- c) Disposition (for example, was the case dismissed , appealed or is it still pending?):
Pending
- d) Issues raised: Malicious prosecution, Illegal arrest, search seizure, Incarceration
- e) Approximate date it was filed: 12/23/2011
- f) Approximate date of disposition: _____

- 2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**
 ____ Yes X No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): ____ frivolous
 ____ malicious or ____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____

- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (check one): _____ frivolous
_____ malicious or _____ failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? X Yes _____ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) _____ parole board decision; or (5) _____ other _____.
- If your answer is "Yes", provide the following information. Grievance Number _____.
- Date and institution where grievance was filed _____.

Response to grievance: _____

Page 1 of 1
 DATE OF ARREST: 5-17-10
 TIME OF ARREST: 1218
 LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 TEMPORARY CUSTODY RECORD
 I.D. # 3029152 Event #: 100517-1861
 I.D. ESTAB BY: SCOPE

INTAKE NAME (AKA, ALIAS, ETC.)
 Montgomery, Bobby Lee
 First Middle Last
 BLDG / APT. # CITY STATE ZIP
 1110 REQUON L. Vegas NV 89108
 PRESENT OR LAST PLACE OF EMPLOYMENT
 NONE

DATE OF BIRTH 11-2-60
 RACE B SEX M HEIGHT 5-11 WEIGHT 180
 HAIR BLK EYES BRO SOCIAL SECURITY # 463-92-9119
 PLACE OF BIRTH DALLAS, TX

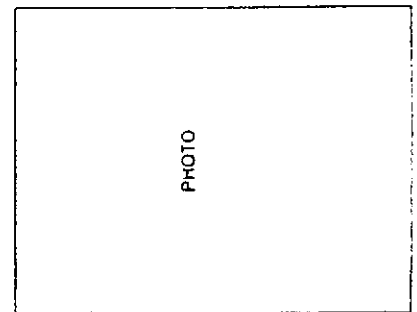
LOCATION OF CRIME (St - Street - City - State - Zip)
 1201 BELLEVUE LN 89110
 CC LV Y N
 Citizen Arrest LOCATION OF ARREST 5/A

BKG. CODE CHARGE
 100517-1861
 WARR / NCIC NUMBER
 100517-1861

COURT
 LV JC DC OTHER
☐ ☒ ☐ ☐

APPROVAL CONTROL # FOR ADDITIONAL CHARGES

OFFICER MUST SIGN SECOND PAGE
 WITH ORIGINAL SIGNATURE.



FOR PROBABLE CAUSE/NCIC HIT ARREST SEE PAGE TWO FOR DETAILS

☐ BENCH WARRANT SERVED ON

☐ WARRANT SERVED ON

☐ GRAND JURY INDICTMENT SERVED ON

TYPE OF I.D. FOR VERIFICATION NV 10

Time Stamp
 at BOOKING

EXhibit
 A

P #:

LMPD 22 (REV. 6-08)

(1) CENTRAL RECORDS - ORIGINAL

CASE SUMMARY**CASE NO. 10C265141****The State of Nevada vs Bobby L Montgomery**§
§
§
§
§
§
§

Location: **Department 8**
 Judicial Officer: **Smith, Douglas E.**
 Filed on: **06/07/2010**
 Conversion Case Number: **C265141**
 Defendant's Scope ID #: **7624152**
 Lower Court Case Number: **10F09483**

CASE INFORMATION

Offense	Deg	Date	Case Type:
1. BATTERY.	F	01/01/1900	Felony/Gross Misdemeanor
1. BATTERY DOMESTIC VIOLENCE	F	01/01/1900	Case Flags: Bail Set
1. ACTS WHICH CONSTITUTES DOMESTIC VIOLENCE	F	01/01/1900	Custody Status - In Custody

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number 10C265141
 Court Department 8
 Date Assigned 06/07/2010
 Judicial Officer Smith, Douglas E.

PARTY INFORMATION**Defendant Montgomery, Bobby L**

Lead Attorneys
MacArthur, Jonathan E.
Retained
 7028682724(W)

Plaintiff State of Nevada

Roger, David J.
 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX**




06/07/2010	 Criminal Bindover CRIMINAL BINDOVER Fee \$0.00	10C2651410001.tif pages
06/07/2010	Hearing INITIAL ARRAIGNMENT	10C2651410002.tif pages
06/14/2010	 Information INFORMATION	10C2651410004.tif pages
06/16/2010	Initial Arraignment (10:30 AM) (Judicial Officer: Martin, Eugene) Events: 06/07/2010 Hearing INITIAL ARRAIGNMENT Relief Clerk: Carole D'Aloia Reporter/Recorder: Kiara Schmidt Heard By: EUGENE MARTIN	
06/16/2010	Hearing ARRAIGNMENT CONTINUED	10C2651410005.tif pages
06/22/2010	 Request Filed by: Defendant Montgomery, Bobby L EX PARTE MOTION TO WITHDRAW DUE TO CONFLICT	10C2651410006.tif pages

Exhibit B

10C2651410007.tif pages

CASE SUMMARY

CASE NO. 10C265141

06/22/2010	<input type="checkbox"/> Order Filed By: Defendant Montgomery, Bobby L <i>ORDER GRANTING MOTION TO WITHDRAW DUE TO CONFLICT</i>
06/23/2010	<input type="checkbox"/> Arraignment Continued (10:30 AM) (Judicial Officer: Martin, Eugene) Events: 06/16/2010 Hearing <i>ARRAIGNMENT CONTINUED</i>
06/29/2010	<input type="checkbox"/> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING - HEARD 06-03-10</i>
07/13/2010	<input type="checkbox"/> Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>
08/04/2010	<input type="checkbox"/> Calendar Call (8:30 AM) (Judicial Officer: Smith, Douglas E.)
08/16/2010	CANCELED Jury Trial (10:30 AM) <i>Vacated - per Judge and RESET</i>
10/06/2010	<input type="checkbox"/> Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses</i>
10/27/2010	<input type="checkbox"/> Calendar Call (8:30 AM) (Judicial Officer: Smith, Douglas E.)
11/01/2010	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i>
11/09/2010	Calendar Call (8:30 AM) (Judicial Officer: Smith, Douglas E.)
11/09/2010	Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.)

10C2651410010.tif pages

10C2651410011.tif pages

Exhibit B (2)

JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. MONTGOMERY, BOBBY LEECASE NO. 10F09483XPAGE: 1DATE, JUDGE
OFFICERS OF COURT
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

MAY 19, 2010	CRIMINAL COMPLAINT FILED: COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE	JCC
MAY 20, 2010 T. ABBATANGELO S. MORGAN, DA - C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK	INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT IN CUSTODY COUNT 1 ADVISED OF CHARGES/WAIVES READING OF COMPLAINT COURT APPOINTS PUBLIC DEFENDER TO REPRESENT THE DEFENDANT PRELIMINARY HEARING DATE SET FUTURE COURT DATE VACATED 6-16-10 8AM DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF COUNT 1 NO BAIL POSTED COUNT 2	6-3-10 9:00 #3 JCC
JUNE 3, 2010 J.T. BONAVENTURE, FOR ABBATANGELO S. MORGAN, DA C. JORGENSEN, PD R. SILVAGGIO, CR S. ROBINSON, CLK	TIME SET FOR PRELIMINARY HEARING AND TRIAL DEFENDANT PRESENT IN COURT *IN CUSTODY COUNT 1* STATE WITNESSES SHERRI HINSON - WITNESS IDENTIFIES DEFENDANT COURT AMENDED DEFENDANT'S NAME THROUGH DELINEATION TO REFLECT " SHERRIE HINSON " STATE RESTS DEFENDANT WAIVES RIGHT TO MAKE SWORN OR UNSWORN STATEMENT DEFENSE RESTS	6-16-10 10:30 DC ARRAIGNMENT COUNT 1 ONLY
	SUBMITTED WITHOUT ARGUMENT COUNT 2 - BIFURCATED - CONTINUED FOR STATUS CHECK DEFENDANT BOUND OVER TO DISTRICT COURT 8 AS CHARGED DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT COURTROOM A APPEARANCE DATE SET REMANDED TO THE CUSTODY OF THE SHERIFF - COUNT 1 NO BAIL POSTED - COUNT 2	12-1-10 8 AM #3 COUNT 2 SLR
DECEMBER 1, 2010 T. ABBATANGELO J. VILLANI, DA - S. EMERICK, PD R. SILVAGGIO, CR S. ROBINSON, CLK	DEFENDANT NOT PRESENT IN COURT MOTION BY DEFENSE TO CONTINUE - MOTION GRANTED STATUS CHECK ON DISTRICT COURT NO BAIL POSTED	12-9-10 8:00 #3 JCC
DECEMBER 9, 2010 T. ABBATANGELO A. STEGE, DA - C. JORGENSEN, PD D. MCCORD, CR S. ROBINSON, CLK	DEFENDANT NOT PRESENT IN COURT PASSED BY COURT FOR STATUS CHECK ON DISTRICT COURT COUNT 1 DATE SET NO BAIL POSTED	1-27-11 10:45 #4 JCC

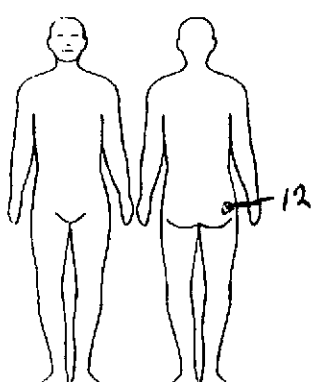
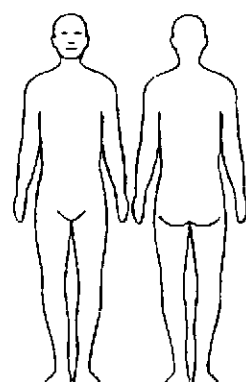
Exhibit C

PAGE: 2

CONTINUED TO:

<p>PRESENT</p> <p>JANUARY 27, 2011 M. SARAGOSA B. TURNER, DA ✓ PD REMAINS K. MACDONALD, CR M. KRAUS, CLK</p>	<p>DEFENDANT NOT PRESENT IN COURT COUNT 2: PASSED BY COURT FOR STATUS CHECK ON FELONY COUNT IN DISTRICT COURT</p> <p>NO BAIL POSTED</p>	<p>4-7-11 1:30 #4</p> <p>RS</p>
<p>APRIL 7, 2011 M. SARAGOSA S. CLOWERS, DA ✓ J. MACARTHUR, ESQ M. LEONARD, CR M. KRAUS, CLK</p>	<p>DEFENDANT PRESENT IN COURT PLEA OF NOT GUILTY SET FOR TRIAL COUNT 1 - DISMISSED BY COURT</p> <p>NO BAIL POSTED</p>	<p>06/09/11 8:30 #4</p> <p>SBR</p>
<p>MAY 13, 2011</p>	<p>SUBSTITUTION OF ATTORNEYS FILED BY DEFENSE</p>	<p>AMC</p>
<p>JUNE 9, 2011 L. MARQUIS FOR M. SARAGOSA SHANON CLOWERS, DA PATRICK MCDONALD, ESQ K. MACDONALD, CR M. KRAUS, CLK</p>	<p>TIME SET FOR PRELIMINARY HEARING DEFENDANT NOT PRESENT IN COURT PER NRS 12-216, MOTION BY STATE TO DISMISS, GRANTED JUDGMENT ENTERED</p>	<p>MRK</p>
	<p>Exhibit C (1)</p>	

**GAS METROPOLITAN POLICE DEPARTMENT
DOMESTIC BATTERY REPORT**

Page <u>1</u> of <u>3</u>										Event # <u>100512-1861</u>									
Offense Code(s) <u>BATT DV / STIMULATION</u>										City <u>L. VEBOS</u>		State <u>MD</u>		Zip Code <u>20746</u>					
Location of Incident (Number & Street) <u>[REDACTED]</u>										Bldg. # <u>[REDACTED]</u>		Apt. # <u>[REDACTED]</u>		City <u>L. VEBOS</u>					
Occurrence		Month	Day	Year	Day/Wk	Time	Report	Month	Day	Year	Time	Connecting Reports							
		<u>5</u>	<u>17</u>	<u>10</u>	<u>Mon</u>	<u>1106</u>	<u>Taken</u>	<u>5</u>	<u>17</u>	<u>10</u>	<u>1225</u>	<u>ARREST MAKEUP</u>							
		<u>Y</u>		<u>N</u>				<u>Y</u>		<u>N</u>									
Was there a witness?		<u>X</u>				Is there physical evidence present? (i.e., visible injury, weapons, etc.)		<u>X</u>				Reporting Officer <u>G. TURNER</u>							
Has victim requested temporary housing?		<u>X</u>				Is there a P.O. in effect?		<u>X</u>				Reporting Officer <u>R. BACITA</u>							
						T# <u>[REDACTED]</u>						Supervisor Approving							
• ALWAYS LIST VICTIM(S) FIRST •										P# <u>[REDACTED]</u>		ID Specialist							
# <u>1</u> <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Unknown <input type="checkbox"/> Arrestee Name (Last/First/Middle) <u>HENSON, SHEERI</u>										<input type="checkbox"/> Vol. SL <input type="checkbox"/> Vol. St. Refused Why: <u>[REDACTED]</u>		Language Non-English Speaking <input type="checkbox"/>							
Date of Birth <u>64</u>		Social Security # <u>[REDACTED]</u>		Race <u>B</u>		Sex <u>F</u>		Ht. <u>54</u>		Wt. <u>167</u>		Hair <u>BRN</u>							
Residence Address: (Number & Street) <u>[REDACTED]</u>										Bldg/Apt# <u>[REDACTED]</u>		City <u>L. VEBOS</u>		State <u>MD</u> Zip Code <u>20710</u>					
Emergency Name & Address: (Number & Street) <u>[REDACTED]</u>										Bldg/Apt# <u>[REDACTED]</u>		City <u>L. VEBOS</u>		State <u>MD</u> Zip Code <u>20710</u>					
Relationship between victim number <u>1</u> and person number <u>2</u> (Check all applicable): <input type="checkbox"/> Spouse <input type="checkbox"/> Former Spouse <input type="checkbox"/> By Marriage <input type="checkbox"/> By Blood <input type="checkbox"/> Parent <input type="checkbox"/> Child <input type="checkbox"/> Child in Common <input checked="" type="checkbox"/> Dated <u>6.5</u> (mos) (yrs) <input checked="" type="checkbox"/> Cohabitants <input type="checkbox"/> Former Cohabitants										<input type="checkbox"/> Vol. SL <input checked="" type="checkbox"/> Vol. St. Refused Why: <u>[REDACTED]</u>		Language Non-English Speaking <input type="checkbox"/>							
# <u>2</u> <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input checked="" type="checkbox"/> Arrestee Name (Last/First/Middle) <u>MONTGOMERY, BOBBY LEE</u>										<input type="checkbox"/> Vol. SL <input checked="" type="checkbox"/> Vol. St. Refused Why: <u>[REDACTED]</u>		Language Non-English Speaking <input type="checkbox"/>							
Date of Birth <u>11-2-60</u>		Social Security # <u>463-29-9119</u>		Race <u>B</u>		Sex <u>M</u>		Ht. <u>5-11</u>		Wt. <u>190</u>		Hair <u>BRN</u>							
Residence Address: (Number & Street) <u>1110 14th St NW</u>										Bldg/Apt# <u>[REDACTED]</u>		City <u>L. VEBOS</u>		State <u>MD</u> Zip Code <u>20710</u>					
Emergency Name & Address: (Number & Street) <u>[REDACTED]</u>										Bldg/Apt# <u>[REDACTED]</u>		City <u>L. VEBOS</u>		State <u>MD</u> Zip Code <u>20710</u>					
Relationship between person number <u>2</u> and person number <u>1</u> (Check all applicable): <input type="checkbox"/> Spouse <input type="checkbox"/> Former Spouse <input type="checkbox"/> By Marriage <input type="checkbox"/> By Blood <input type="checkbox"/> Parent <input type="checkbox"/> Child <input type="checkbox"/> Child in Common <input checked="" type="checkbox"/> Dated <u>6.5</u> (mos) (yrs) <input checked="" type="checkbox"/> Cohabitants <input type="checkbox"/> Former Cohabitants										<input type="checkbox"/> Vol. SL <input checked="" type="checkbox"/> Vol. St. Refused Why: <u>[REDACTED]</u>		Language Non-English Speaking <input type="checkbox"/>							
#1 <input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input checked="" type="checkbox"/> Unknown <input checked="" type="checkbox"/> Signs Physical Contact:										Polaroids? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Digital <input type="checkbox"/> CSI/Person/Scene <input type="checkbox"/> No, because <u>[REDACTED]</u>		Demeanor <input checked="" type="checkbox"/> Angry <input type="checkbox"/> Threatening <input type="checkbox"/> Crying <input type="checkbox"/> Fidgeting <input type="checkbox"/> In Fear <input checked="" type="checkbox"/> In Pain <input type="checkbox"/> Nervous <input type="checkbox"/> Nursing Body Part <input type="checkbox"/> Erratic Speech <input type="checkbox"/> Irregular Breathing <input type="checkbox"/> Hysterical <input type="checkbox"/> Apologetic Other: <u>[REDACTED]</u>							
												#2 <input type="checkbox"/> Drugs <input type="checkbox"/> Alcohol <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Signs Physical Contact:							
Polaroids? <input type="checkbox"/> Yes <input type="checkbox"/> Digital <input type="checkbox"/> CSI/Person/Scene <input checked="" type="checkbox"/> No, because <u>PHYSICAL MIND</u>										Demeanor <input type="checkbox"/> Angry <input type="checkbox"/> Threatening <input type="checkbox"/> Crying <input type="checkbox"/> Fidgeting <input type="checkbox"/> In Fear <input type="checkbox"/> In Pain <input checked="" type="checkbox"/> Nervous <input type="checkbox"/> Nursing Body Part <input type="checkbox"/> Erratic Speech <input type="checkbox"/> Irregular Breathing <input type="checkbox"/> Hysterical <input type="checkbox"/> Apologetic Other: <u>[REDACTED]</u>									
Children Present 1 (Name)		Age		(Post Incident Location)		Witnessed?		Children Present 2 (Name)		Age		(Post Incident Location)							
Witness 1 (Name) <u>PREST, PAMELA</u>				<u>[REDACTED]</u>		<u>Y</u>		Witness 2 (Name) <u>[REDACTED]</u>				<u>[REDACTED]</u>							
Witness 2 (Name) <u>[REDACTED]</u>				<u>[REDACTED]</u>		<u>Y</u>		Witness 3 (Name) <u>[REDACTED]</u>				<u>[REDACTED]</u>							

Mark signs of physical contact on diagram above:

1 = Abrasion; 2 = Black eye; 3 = Bleeding; ☐ Nose ☐ Mouth ☐ Other _____; 4 = Broken/Possibly Broken Bone; 5 = Bruise; 6 = Bump/Lump;
 7 = Burned; 8 = Cut; ☐ Lip ☐ Cheek ☐ Other _____; 9 = Pain Only; 10 = Pulled Hair; 11 = Reddening ☐ Cheek ☐ Arm ☐ Other _____
 12 = Scratched _____; 13 = Swollen/Swelling; 14 = Torn Clothing; 15 = Writ

LAS VEGAS METROPOLITAN POLICE DEPARTMENT DOMESTIC BATTERY REPORT

EVENT #
100579-1861

Page 2 of 3

ANY Call to Dispatch: ☐ No ☒ Yes @ 1156 hrs. Dispatched @ 1159 Arr @ Scene @ 1206 Caller ☒ Victim ☐ Suspect ☐ Child ☐ Neighbor

Primary Aggressor: ☒ Prior History ☐ Defense Wounds ☒ Injury Severity ☒ Potential Future Injury ☒ Corroborating Witness ☐ Other

Witnessing Factors: ☐ No Evidence Injury ☐ Aggressor Undetermined ☐ GUA ☐ Over 24 hours ☐ Other

If Arrested Both: ☐ Excessive Response ☐ Delay Between Acts ☐ Agreement to Fight ☐ Prior History ☐ Defense Wounds ☐ Injury Severity

Parties Reason: ☐ Potential Future Injury ☐ Other

AMB or SOUTHWEST Unit: 2216 ☒ LVED or CCFD Unit: 16 ☐ Transported ☒ Will Seek Own Doctor

Medical Release:

☐ Signed
☐ Refused
☐ Non-Available
☐ Will Sign

Background Noises Upon Arrival: 48112MG

Suspect Name: MONTGOMERY, BOBBY ID#: 2624152

Narrative (Initial Arrival Observations; Detailed Crime Scene Description - including items fought over, items disturbed, evidence and weapons present and/or seized;

Victim Interview(s); Witness Interview(s); Suspect Interview): ON 5-17-10 AT APPROXIMATELY 1159 HRS I OFFICER

G. TURNER WAS DISPATCHED TO [REDACTED] ST LUN BLVD FOR A FAMILY
DISPUTE. DETAILS OF THE CALL STATED THAT A BMA IDENTIFIED AS BOBBY MONTGOMERY
WAS INSIDE ASSAULTING CHANGING HER FRIEND.

WHEN I ARRIVED I SPoke WITH THE VICTIM SHERROSE HENSON OUR 6-10-64
SHE STATED THAT HER AND MONTGOMERY WERE ARGUING DUE TO HENSON CONFRONTING
MONTGOMERY ABOUT HIM CHEATING ON HER. MONTGOMERY BECAME VERY ANGRY AND
GRABBED HENSON BY THE THROAT WITH BOTH HANDS. MONTGOMERY CONTINUED TO
SQUEEZE HER NECK. MONTGOMERY LET GO OF HER AND KICKED HER IN HER
RIGHT BUTT CHECK LEAVING A SCRATCH ON HER.

I SPoke TO PAMELA PEEVEY WHO WAS IN THE RESIDENCE AT THE SAME TIME
PEEVEY STATED THAT SHE WALKED HOME WITH HENSON FROM THE BUS STOP. PEEVEY
SAYD THAT WHEN THEY ARRIVED AT THE HOME MONTGOMERY CAME OUT SCOE
YELLING AT HER THEN SLAPPED HER. THEY BOTH WENT INSIDE AND PEEVEY OBSERVED
MONTGOMERY GRAB HENSON WITH BOTH HANDS AND BEGAN TO CHOKE HER
AROUND THE NECK. PEEVEY SAID THEY BOTH THEN WENT TO THE ROOM AND
MONTGOMERY STILL HAD HENSON'S NECK. PEEVEY LEFT THE RESIDENCE AND
CALLED POLICE.

I SPoke TO MONTGOMERY WHO STATED THAT HENSON FOUND OUT ABOUT
HIM BEING WITH ANOTHER GIRL. THEY BOTH ARGUED ALOT IT BUT NO
PHYSICAL CONTACT WAS MADE. MONTGOMERY SAID HE WAS LAYING ON THE BED
THE ENTIRE TIME.

MONTGOMERY AND HENSON HAVE BEEN DATING FOR APPROXIMATELY 24 YEARS AND

(DO NOT COMPLETE UNLESS ARREST IS MADE)

As a peace officer with the Las Vegas Metropolitan Police Department for 1 (8) ☐ years ☒ months, I declare, subject to the penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information give me probable cause to believe that on 17 MAY 2010 MONTGOMERY, BOBBY (name @ booking) also known as (true name per SCOPE), committed the crime(s) of BATTERY IN (STRANGULATION)

in the location of 129 EDWARDS within ☐ Clark County ☒ CLV. Declarant prays that your Honorable Magistrate find probable cause exists to hold the above-named person to answer such charge(s).

Dated this 17TH Day of MAY 2010

Officer's preferred court time:

M ☐ T ☐ W ☐ T ☒ F ☐ S ☐ AM ☐ PM

Declarant/Affiant (sign and print) P#

Supervisor Name (sign and print) P#
(Must be signed by Supervisor if Felony)

Page 12 of 3LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DOMESTIC BATTERY REPORT

EVENT #

100517-1861

ANY Call to Dispatch: ☐ No ☐ Yes @ _____ hrs. Dispatched @ _____ Arr @ Scene @ _____ Caller: ☐ Victim ☐ Suspect ☐ Child ☐ NeighborPrimary Aggressor: ☐ Prior History ☐ Defense Wounds ☐ Injury Severity ☐ Potential future injury ☐ Corroborating Witness ☐ Other _____Mitigating Factors: ☐ No Evidence Injury ☐ Aggressor Undetermined ☐ GOA ☐ Over 24 hours ☐ Other _____If Arrested Both ☐ Excessive Response ☐ Onlay Between Acts ☐ Agreement to Fight ☐ Prior History ☐ Defense Wounds ☐ Injury SeverityParties Reason: ☐ Potential Future Injury ☐ Other _____AMR or SOUTHWEST Unit: _____ LVFD or CCFD Unit: _____ ☐ Transported ☐ Will Seek Own Doctor

Medical Release:

☐ Signed☐ Refused☐ Non-Available☐ Will Sign

Background Noises Upon Arrival? _____

Suspect Name: MONTGOMERY, BOBBY ID#: 2624152

Narrative (Initial Arrival Observations; Detailed Crime Scene Description - including items fought over, items disturbed, evidence and weapons present and/or seized;

Victim Interview(s); Witness Interview(s); Suspect Interview: THAT THEY HAVE BEEN LOVING TOGETHER FOR 1 YEAR.DUE TO THE CORROBORATING STATEMENTS BY HENSON AND DEERY ALONG WITH
INTERVIEW MONTGOMERY WAS PLACED UNDER ARREST FOR BATTERY (DOMESTIC VIOLENCE
(STRAWNELLATION) AND WAS TRANSPORTED TO CDOC AND BOOKED ACCORDINGLY.

(DO NOT COMPLETE UNLESS ARREST IS MADE)

As a peace officer with the Las Vegas Metropolitan Police Department for 1 (8) ☒ years ☒ months, I declare, subject to the penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information give me probable cause to believe that on 17 MAY 2012 MONTGOMERY, BOBBY (name @ booking) also known as _____ (true name per SCOPE), committed the crime(s) of BATTERY DV (STRAWNELLATION)in the location of 128 EDELWEISS within ☐ Clark County ☒ CLV. Declarant prays that your Honorable Magistrate find probable cause exists to hold the above-named person to answer such charge(s).Dated this 17TH Day of MAY 2012Declarant/Affiant (sign and print) P# 1358

Officer's preferred court time:

M ☒ T ☒ W ☒ F ☒ AM ☐ PMSupervisor Name (sign and print) P#
(Must be signed by Supervisor if Felony)

DISPATCH INFO

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

10F09483X/3

☐ City ☐ County ☒ Adult ☐ Juvenile Sector/Beat G1

ID/EVENT# 2624152	ARRESTEE'S NAME MONTGOMERY, BOBBY		(Last, First, Middle)		S.S.#	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) [REDACTED] LAS VEGAS, NEVADA, 89110						
CHARGES: BATTER/DOMESTIC VIOLENCE, STRANGULATION, NRS 200.485						
OCURRED:	DATE 05/17/10	DAY OF WEEK MONDAY	TIME 1156 HRS	LOCATION OF ARREST (Number, Street, City, State, Zip Code) [REDACTED] LAS VEGAS, NEVADA, 89110		
RACE B	SEX M	D.O.B.	HT 5'11"	WT 190	HAIR BLK	EYES BRO
						PLACE OF BIRTH

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer G. Turner, P#13518

Officer B. Rocha, P#13510

VICTIM:

Henson, Sheeri

Address: [REDACTED]
Las Vegas, Nevada, 89110

Phone: [REDACTED]

WITNESS:

Peavy, Debra (verbatim)

Address: [REDACTED]
North Las Vegas, Nevada, [REDACTED]

MEDICAL PERSONNEL:

AMR Unit #2716

Las Vegas Fire Department Engine #16

Medical was refused

DETAILS:

On May 17, 2010, at approximately 1159 hours, I, Officer G. Turner, P#13518, was dispatched to [REDACTED] Street, Las Vegas, Nevada, 89110, in G1, for a family disturbance. Details of the call stated that a black male adult, who was later identified as Bobby Montgomery, ID #2624152, was inside the residence, choking her friend, and slapped her.

When I arrived, I spoke to the victim, Sheeri Henson, date of birth 06/10/64, who stated that she and Montgomery were arguing, due to Henson confronting Montgomery about

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
G. TURNER	13518	Lt Ron Fox P 3313 5-17-10 @ 2038 Hours	100517-1861

LVMPD 502 (REV. 12-90) - AUTOMATED

10F09483X - MONTGOMERY, BOBBY

Page 7 of 15 Exhibit D (3)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

ID/Event Number: 2624152

Page 2 of 2

cheating on her. Montgomery became very irate, and grabbed Henson by the throat with both hands. Montgomery continued to squeeze her neck. Montgomery let go of her, and kicked her in her right butt-cheek, leaving a scratch on her. After that, police arrived.

I spoke to Pamela Peevy (verbatim), who was in the residence at the same time. Peevy stated that she walked home with Henson from the bus-stop. Peevy said that, when they arrived at the house, Montgomery came outside yelling at her, and then slapped her in the face. They both went inside, and Peevy observed Montgomery grab Henson with both hands, and begin to choke her around the neck. Peevy said they both then went into the room, and Montgomery still had Henson's neck. Peevy left the residence, and called police, and saw nothing else.

I spoke with Montgomery, who stated that Henson found out about him being with another girl. They both argued about it, but no physical contact was made. Montgomery said that he was laying on the bed the entire time. Montgomery and Henson have been dating for approximately two years, and that they have been living together for one month.

Due to the corroborating statements by Henson and Peevy, along with injuries, Montgomery was placed under arrest for battery/domestic violence, strangulation. He was transported to Clark County Detention Center, where he was booked accordingly.

GT/jat (Records)

Job #150560

Date and Time Dictated: 05/17/10 1402 hours

Date and Time Transcribed: 05/17/10 1622 hours

cc: Officer G. Turner/NE22

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

Event #

120527-1861

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime

BATTERY (W) STRAWNULATION

Date Occurred

5-17-10

Time Occurred

1156

Location of Occurrence

[REDACTED] 120527-1861

Sector/Beat

61

☒ City☐ County

Your Name (Last / First / Middle)

HENSON Sherrie Denise

Date of Birth

Social Security #

Race

Sex

Height

Weight

Hair

Eyes

Work Sched. (Hours)

(Days Off)

Business / School

B

F

5'4"

167

BLK

BRN

8:30-430

SAT SUN

Residence Address: (Number & Street)

Bldg./Apt.# City

LAS VEGAS

State Zip Code

NV 89110

Res. Phone

Bus. Phone:

Bus. (Local) Address: (Number & Street)

Bldg./Apt.# City

State Zip Code

Occupation

Depart Date (if visitor)

Best place to contact you during the day

Best time to contact you during the day

Can You Identify ☐ Yesthe Suspect? ☐ No

DETAILS

Came home went in RM he was gone all night with sue we was fussing he grab me by the throat then kicked me in my right ASS Kicked hole in closet door my friend ran outside called police they came rushing in

Exhibit D (5)

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS

COMPLETED AT (LOCATION)

S/A

ON THE

17th

DAY OF

MAY

AT 1228

(AM / PM)

2010

Witness/Officer:

E.R. Fennell

(SIGNATURE)

Witness/Officer:

E. Fennell

P# 13145

Sherrie Henson

SIGNATURE OF PERSON GIVING STATEMENT

LVMPD 85 (REV. 9-99)

10F09483X - MONTGOMERY, BOBBY

Page 9 of 15

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

100517 - 861

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime

BATTERY DV (STRAGULATION)

Location of Occurrence

LUN 8910

Date Occurred

5-17-10

Time Occurred

1156

Sector/Beat

61

☒ City☐ County

Your Name (Last / First / Middle)

Peevy Debra Pamela Debra

Date of Birth

Social Security #

Race

Sex

Height

Weight

Hair

Eyes

Work Schol. (Hours)

(Days Off)

Business / School

Residence Address: (Number & Street)

Bldg./Apt. # City

State Zip Code

Bus. (Local) Address: (Number & Street)

Bldg./Apt. # City

State Zip Code

Res. Phone: ()

Bus. Phone: ()

Occupation

Depart Date (if visitor)

Best place to contact you during the day

Best time to contact you during the day

Can You Identify ☐ Yes
the Suspect? ☐ No

DETAILS

OFFICER HERGREN PANOFS, WRITING IN BEHALF OF PAMELA
 PEEVY. I WAS WALKING FROM THE BUS STOP WITH SHARON WE GOT
 TO HER HOME AND THE MAN THE HOUSE CAME OUT SCREAMING
 "BITCH" AND OTHER BAD WORDS AND THEN CLAPPED HER THEN
 WHEN IN HOUSE HE CHOKED HER WITH BOTH HANDS. IN THE
 LIVING ROOM THEN THEY MOVED BACK ROOMS AND SHE
 WAS BEING CARRIED FROM ROOMS THEN NEAR I LEFT
 THE HOUSE, CALLED POLICE AND NEVER WENT BACK
 INSIDE. I COULD HEAR HER SCREAMING

Exhibit D(6)

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS
 COMPLETED AT (LOCATION) 178 FOREWELL LUN 8910
 ON THE 17 DAY OF MAY AT 1220 (AM/PM) 2010.

Witness/Officer:

(SIGNATURE)

Witness/Officer:

N. HERGREN

PH 14085

PAMELA PEEVY

SIGNATURE OF PERSON GIVING STATEMENT

Printed by: K9480L

Printed date/time: 11/24/10 14:27

Incident Report

Page 1 of 2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
 400 E STEWART
 LAS VEGAS, NEVADA 89101
 (702) 828-3111

Incident Number: LLV100517001861

Incident Summary

Incident Type: CRIMINAL INCIDENT	Report Type: FIELD INCIDENT REPORT
Inc Occurred Address: 128 EDIELWIESS LAS VEGAS, NV 89110	Sector/Beat: G1/G1
Inc Occurred Start: 05/17/2010 11:56	Report Taken: 05/17/2010 12:25
Inc Occurred End:	Substance: U
Domestic: Y	Gang Related: U
Bias Motivation:	Reported Date/Time: 05/17/2010 12:25
Contact Nature:	Primary Assigned Officer: ROBINSON, E 3889
Reporting Officer: TURNER, G 13518	Disposition Date: 05/17/2010 10:08
Case Status:	Disposition:

Offenses

Statute Code: BATT200.481S Enhancers:
 Statute Desc: BATTERY / DOMESTIC VIOLENCE - (STRANGULATION)
 Counts: 1 Statute Severity: FELONY

Persons Involved

Person#: 0002	MNI: 9081847	Can ID Suspect: No
Event Association: ARRESTEE	Contact Date/Time:	
Name: MONTGOMERY, BOBBY LEE		
DOB: 11/02/1960	Age: 49 - 49	Sex: MALE
Height: 5' 11" - 5' 11"	Weight: 190 - 190 lbs	Race: BLACK/AFRO AMER
Address: 1110 REDWOOD LAS VEGAS, NEVADA 89108	Eye Color: BROWN	Hair Color: BLACK
Phone Type 1:	Phone# 1:	Sector/Beat:
Phone Type 2:	Phone# 2:	
Occupation:	Employer/School:	

Characteristics

Characteristic Type:	Further Defined By:	Description:
13. Mitigating Factors		
14. Reason For Arrest		
16. Weapon Used		
17. Injury Severity		
18. Medical Treatment		
10. PHOTOS TAKEN	NO	NO PHYSICAL MARKS
09. ALCOHOL/DRUGS INV	UNKNOWN	
DEMEANOR	NERVOUS/FIDGETING	

The Use and Dissemination of this
 Record is Regulated by Law. Secondary
 Dissemination of any kind is Prohibited
 and could subject the offender to Criminal
 and Civil Liability

This Information Released To
 Insurance/Attorney/Other

By: Montgomery, Bobby
V. Turner Date: 11-26-10
 Las Vegas Metro Police Dept.

Exhibit E (1)

Printed by: K9480L

Printed date/time: 11/24/10 14:27

Incident Report

Page 2 of 2

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 E STEWART
LAS VEGAS, NEVADA 89101
(702) 828-3111

Incident Number: LLV100517001861

Narratives

ENTERED DATE/TIME: 5/20/2010 00:50:46

NARRATIVE TYPE: INCIDENT CRIME REPORT

SUBJECT: BATT DV (STRANGULATION)

AUTHOR: TURNER, G 13518

ON 05/17/10 AT APPROXIMATELY 1159 HRS I OFFICER G. TURNER WAS DISPATCHED TO 128 EDIELWIESS ST LV, NV 89110 FOR A FAMILY DISTURBANCE. DETAILS OF THE CALL STATED THAT A BMA IDENTIFIED AS BOBBY MONTGOMERY WAS INSIDE RESIDENCE CHOKING HER FRIEND. WHEN I ARRIVED I SPOKE WITH THE _____ WHO STATED THAT HER AND MONTGOMERY WERE ARGUING DUE TO _____ CONFRONTING MONTGOMERY ABOUT HIM CHEATING ON HER. MONTGOMERY BECAME VERY IRATE AND GRABBED _____ BY THE THROAT WITH BOTH HANDS. MONTGOMERY CONTINUED TO SQUEEZE HER NECK, MONTGOMERY LET GO OF HER AND KICKED HER IN HER RIGHT BUTT CHEEK LEAVING A SCRATCH ON HER. I SPOKE TO PAMELA PEEVY WHO WAS IN THE RESIDENCE AT THE SAME TIME. PEEVY STATED THAT SHE WALKED HOME WITH _____ FROM THE BUS STOP. PEEVY SAID THAT WHEN THEY ARRIVED AT THE HOUSE MONTGOMERY CAME OUTSIDE YELLING AT HER THEN SLAPPED HER. THEY BOTH WENT INSIDE AND PEEVY OBSERVED MONTGOMERY GRAB _____ WITH BOTH HANDS AND BEGIN TO CHOKE HER AROUND THE NECK. PEEVY SAID THEY BOTH THEN WENT INTO THE ROOM AND MONTGOMERY STILL HAD _____ NECK. PEEVY LEFT THE RESIDENCE AND CALLED POLICE. I SPOKE TO MONTGOMERY WHO STATED THAT _____ FOUND OUT ABOUT HIM BEING WITH ANOTHER GIRL. THEY BOTH ARGUED ABOUT IT BUT NO PHYSICAL CONTACT WAS MADE. MONTGOMERY SAID HE WAS LAYING ON THE BED THE ENTIRE TIME. MONTGOMERY AND _____ HAVE BEEN DATING FOR APPROXIMATELY 2 YEARS AND THAT THEY HAVE BEEN LIVING TOGETHER FOR 1 YEAR. DUE TO THE CORROBORATING STATEMENTS BY _____ AND PEEVY ALONG WITH INJURIES MONTGOMERY WAS PLACED UNDER ARREST FOR BATTER DOMESTIC VIOLENCE (STRANGULATION) AND WAS TRANSPORTED TO CCDC AND BOOKED ACCORDINGLY.

EXhibit E (2)

JB AT

08C250236

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 29, 2010**

08C250236

The State of Nevada vs Bobby Montgomery

June 29, 2010**8:15 AM****Revocation of Probation**

**REVOCATION OF
PROBATION Court**
**Clerk: Carol
Donahoo**
**Reporter/Recorder:
Michelle Ramsey**
**Heard By: Michael
Villani**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

PRESENT:	Montgomery, Bobby	Defendant
	Morgan, Shawn A.	Attorney
	Page, Daniel	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- Michael Dantonio from Parole and Probation (P&P) present.
 Conference at the Bench. Mr. Morgan advised Deft. Montgomery has a new charge, 10F09483X; the new charge is enough to revoke Deft. Mr. Page advised the new charge Battery Constitutiong Domestic Violence - Strangulation, has been bound over to District Court and assigned Case No. C265141. Deft. is contesting the new charge for the reasons stated on the record. Deft. sworn and testified. Colloquy regarding disposition. **COURT FINDS**, Deft. in violation of his probation and **ORDERED**, Deft.'s **PROBATION REVOKED**; the original **SENTENCE** of **TWELVE (12) MONTHS** in the Clark County Detention Center (CCDC) is **IMPOSED** with **SIXTY-FIVE (65) DAYS** credit for time served.
CUSTODY

PRINT DATE: 11/09/2010

Page 5 of 6

Minutes Date:

December 16, 2008

Exhibit F

10C265141

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2010

10C265141

The State of Nevada vs Bobby L Montgomery

June 23, 2010

10:30 AM

Arraignment Continued

**ARRAIGNMENT
CONTINUED****HEARD BY:** Martin, Eugene**COURTROOM:** RJC Lower Level
Arraignment**COURT CLERK:** Kristen Brown**RECORDER:** Kiara Schmidt**REPORTER:****PARTIES**

PRESENT: Jorgenson, Craig F. Attorney
 MacArthur, Jonathan E. Attorney
 Montgomery, Bobby L Defendant
 Morgan, Shawn A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Statement by Mr. Jorgenson regarding filing a motion and requested that a contract attorney will need to be appointed. COURT ORDERED, Mr. MacArthur APPOINTED AS COUNSEL. Mr. MacArthur present and advised of the appointment. DEFT. MONTGOMERY ARRAIGNED, PLED NOT GUILTY, and ~~INVOKED the 60-DAY RULE~~. COURT ORDERED ~~matter set for trial.~~ /

CUSTODY

8/04/10 8:30 AM CALENDAR CALL

8/16/10 10:30 AM JURY TRIAL

PRINT DATE: 11/09/2010

Page 3 of 5

Minutes Date: June 16, 2010

Exhibit G

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

In according pursuant to NRS 41.035 the compensation of the
maximum sum of \$100,000.00 for every day spent in the Clark
County Detention Center Las Vegas Nevada total of 226 days.
Also pursuant to NRS.42.005,NRS.42.007 Exemplary and punit-
ive damages three times the amount of compensatory.Future
general compensation damages for special damages for medi-
cial and psychotic care.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

BOBBY LEE MONTGOMERY PRO SE
(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Bobby Lee Montgomery Pro Se
(Signature of Plaintiff)

5/15/2012
(Date)

(Additional space if needed; identify what is being continued)

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BOBBY LEE MONTGOMERY PRO. SE

(b) County of Residence of First Listed Plaintiff CLARK
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT ET, AL

County of Residence of First Listed Defendant CLARK
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13950) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
CIVIL RIGHTS COMPLAINT PURSUANT TO 42 USC 1983

Brief description of cause:
ILLEGAL ARREST, SEARCH AND SEIZURE, INCARCERATION, REVOCATION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

5/15/2012

SIGNATURE OF ATTORNEY OF RECORD

Bobby Lee Montgomery Pro. Se

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

2:12-cv-00817-MMD -RJJ